

REMARKS

This is in response to the Office Action mailed on May 30, 2007. Claims 1-6, 8-20 and 22-31 are pending in the application and are rejected under 35 USC § 103(a). Claims 1, 6, 8, 15, 22, 29, and 31 are presently amended, and Claims 32 and 33 are added to clarify the language of the respective claim limitations. For at least the reasons set below, Applicants assert that all claims are in condition for allowance.

Claim Rejections – 35 U.S.C. § 103

In the Office Action, the Examiner rejected claims 1-6, 8-20, and 22-31 under 35 U.S.C. § 103(a) as being unpatentable over Owensby (U.S. Patent No. 6,647,257), in view of Official Notice and Bergqvist (U.S. Patent No. 7,154,056). As explained below, the references fail to teach or suggest all of the claim limitations as required by MPEP § 2143.

The Examiner has acknowledged that *Owensby* fails to teach updating a user profile based on device access of network sites indicative of user preferences, but took Official Notice that such a feature was old and well-known in the art. Applicant asserts that the amended limitation of updating the user's profile based on access to advertisements and network sites based on a location-unique user profile is not old or well-known in the art. This limitation recites more than merely providing access to a site or monitoring a user's viewing and response to advertisements. Rather, the information continuously collected is unique to both the user and the user's location, which allows both user and user location data to be tracked. Thus, the Official Notice taken in the previous Office Action fails to demonstrate that the amended limitation of updating a location-unique user profile, as in independent claims 1 and 15, would be well known and obvious to person of ordinary skill in the art. Therefore, independent claims 1 and 15 are patentable over the applied art for at least the reasons stated above.

Claims 29, 31, 32, and 33, as amended, recite the use of a user-selected "location alias," and Claims 8 and 22 more clearly indicate that the user-selected alias in claims 32 and 33, respectively, is a location alias, for example, HOME or WORK. Thus, this limitation more clearly indicates that the user can select a location alias from a plurality of available aliases. This limitation is not taught or suggested by *Bergqvist* or any other applied reference. *Bergqvist* relates to information management for a digital writing instrument, such as a digital pen. *Bergqvist* describes that a user of a digital pen in an information

management system is allowed to have a number of aliases when communicating in the system. A pen identifier is associated with the digital pen and at least one alias is associated with the pen identifier, the alias being indicative of a role of a pen user when the user communicates via the digital pen in the information management system. See Abstract. Thus, *Bergquist* merely suggests the ability to have different aliases for different users, i.e., user-based aliasing. Thus, modifying the teachings of Owensby with the teachings of *Bergquist* would disclose a system that includes user-based aliasing *not* location-based aliasing, as claimed.

Further, *Bergquist* does not teach or suggest the advantage of having an alias associated with location-specific information. In the present invention as claimed, tracking the location of the user and employing a location-specific alias such as HOME or WORK means that the system will respond to the user's location with advertisements tailored to the user's location and location alias preferences. In *Bergquist*, however, aliases are employed to manage data based on a user's role and other non-location preferences (Col. 3, lines 7-18).

Applicant also asserts that *Bergquist* is non-analogous art under MPEP §2141.01(a), due to the fact that the field and classification of the *Bergquist* invention concerns information management for a digital writing instrument, such as a digital pen. In addition, *Bergquist* is not pertinent to the particular problem for which the present invention is concerned, as *Bergquist* is focused on improving information management to and from a digital pen (Col. 3, lines 19-33).

Therefore, the combination of *Owensby*, *Bergqvist*, and the Official Notice fails to teach or suggest "a location alias," as claimed. Applicant respectfully asserts that a *prima facie* case of obviousness has not been established with respect to independent claims 29 and 31 and dependent claims 8, 22, 32 and 33 and these claims are patentable over the applied art for at least this reason.

Further, because claims 2-6, 8-14, 16-20, 22-28, 30, and 32-33 depend either directly or indirectly from independent claims 1, 15, 29, or 31, the Applicant requests that the rejection of all claims under § 103(a) be withdrawn.

CONCLUSION

In light of the above remarks, and amendments, Applicants respectfully request removal of the objections and rejections, and for favorable action and allowance of the

application. In the event a telephone conversation would expedite the prosecution of this application, the Examiner may reach the undersigned at 612-607-7237. If any fees are due in connection with the filing of this paper, then the Commissioner is authorized to charge such fees including fees for any extension of time, to Deposit Account No. 50-1901 (Reference No. 60021-376302).

Respectfully submitted,

By 

Christopher R. Hilberg, Reg. No. 48,470
Customer No. 29838

Oppenheimer Wolff & Donnelly LLP
45 South Seventh Street, Suite 3300
Minneapolis, MN 55402-1609
Telephone: (612) 607-7237